

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION

Arthur McElroy v. Janssen Pharmaceutica, Inc., et al., D. Nebraska, C.A. No. 4:06-3154

CONDITIONAL TRANSFER ORDER (CTO-68)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS

On April 14, 2004, the Panel transferred six civil actions to the United States District Court for the Eastern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 314 F.Supp.2d 1380 (J.P.M.L. 2004). Since that time, 1,312 additional actions have been transferred to the Eastern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Jack B. Weinstein.

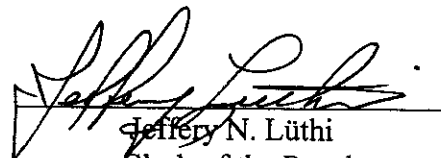
It appears that the action on this conditional transfer order involves claims relating to 1) the prescription drug Zyprexa, which involve questions of fact that are common to the actions previously transferred to the Eastern District of New York and assigned to Judge Weinstein, and 2) a prescription drug(s) other than Zyprexa, which do not involve such common questions of fact.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Eastern District of New York for the reasons stated in the order of April 14, 2004, and, with the consent of that court, assigned to the Honorable Jack B. Weinstein.

It is furthered ordered that all claims in this action except Zyprexa claims are separated and simultaneously remanded to the District of Nebraska.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel